

FILED

SEP 28 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT LEE SMITH, JR.,

Petitioner,

v.

MICHAEL MARTEL,
Acting Warden of California
State Prison at San Quentin,

Respondent.

CASE NO. CV-11-3062 EJD

ORDER RE APPOINTMENT OF
COUNSEL

DEATH PENALTY CASE

IT IS HEREBY ORDERED that JOHN R. GRELE, is appointed as lead counsel for Petitioner, Robert Lee Smith, Jr., in this action pursuant to 18 U.S.C. § 3599 so that the Petitioner may pursue his federal remedies under 28 U.S.C. § 2254. His address and telephone number are: 149 Natoma St., 3rd Floor, San Francisco, California 94105: Tel.: 415-348-9300.

IT IS FURTHER ORDERED that SCOTT F. KAUFFMAN is appointed as co-lead counsel for petitioner. His address and telephone number are: 101 Second St., 6th Floor, San Francisco, California, 94105: Tel.: 415-495-0500.

The Court recognizes that Mr. Kauffman represented Petitioner in his state direct appeal and habeas corpus proceedings. Accordingly, the Court orders Mr. Grele alone to handle any claims or potential claims, including potential defaults that may arise out of Mr. Kauffman's representation of Petitioner during his state direct appeal and habeas corpus proceedings before

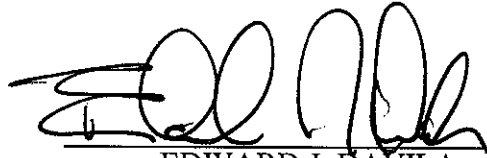
1 the California Supreme Court. Mr. Grele shall also continue to monitor potential or actual
2 conflicts between Petitioner and Mr. Kauffman.

3 Counsel will provide the Court with a Phase I Budget Plan within 60 days of this order.

4 IT IS SO ORDERED.

5
6 Dated:

9/29/11



EDWARD J. DAVILA
United States District Judge